IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 4586 OF 2002

AND

CIVIL APPLICATION NO. 4587 OF 2002

IN

FIRST APPEAL STAMP NO. 38435 OF 2002

Maharashtra State Co-op.
Bank Ltd. ..Appellants

versus

Prem N. Tiwari & Ors. ..Respondents

Mr. A. D. Shetty for the Appellants.
Mr. A. S. Singh for the Respondent No.1.

CORAM : D. G. DESHPANDE,J.

DATE : 21ST OCTOBER,2005

P.C. :

1. Heard.

2. Civil application No. 4586 of 2002 is taken out by the appellants for condonation of delay of 59 days. The Appeal arises out of the liability of the appellants in respect of the injury suffered by the

Respondent No.1 who was the workmen. Compensation awarded is paltry amount of Rs.11,312.20 paise with 50% penalty on it and 10% interest from the date of application, is awarded.

3. Counsel for the respondent No.1 contended that there is no explanation for the delay, but looking to the fact that the workmen has to receive compensation, he is ready to give no objection provided the respondent No.1 is permitted to withdraw the amount or substantial portion thereof. This suggestion coming from the respondent No.1 is very much justified, in the circumstances. Therefore, explanation accepted as reasonable. Delay is condoned.

4. Civil Application No. 4587 of 2002 is for stay. Counsel for the Appellants state that the Appellants have deposited the amount before the Commissioner Workmen’s compensation. Respondent No.1 is permitted to withdraw 3/4th of the amount deposited by the Applicants, without security. Further execution is stayed until further orders.

5. Both the Civil Applications are disposed of.

6. Put up Appeal for admission after vacation.

21.10.2005 (D.G. DESHPANDE, J.)